

CITY OF BURBANK

NOTIFICATION OF EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT (FMLA) OF 1993 AND CALIFORNIA FAMILY RIGHTS ACT (CFRA) OF 1991

FMLA & CFRA require covered employers to provide up to twelve (12) weeks of unpaid**, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year and for 1250 hours over the previous twelve- (12) months. The City of Burbank requires that all paid leave be used, including sick leave, before granting any unpaid leave.

REASONS FOR TAKING LEAVE: Unpaid leave must be granted for *any* of the following reasons:

- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition;
- Or
- For a serious health condition that makes the employee unable to perform the employee’s job.

ADVANCE NOTICE AND MEDICAL CERTIFICATION: The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide thirty (30) days advance notice when the leave is “foreseeable.”
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer’s expense) and a release to return to work.
- The employee must return the Certification of Health Care Provider to the Management Services Department within 30 calendar days from the date the medical certification form was mailed to the employee.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA/CFRA leave, the employer must maintain the employee’s health coverage under any “group health plan.”
- Upon return from FMLA/CFRA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

The use of FMLA/CFRA leave cannot result in the loss of any employment benefit that accrued prior to the start of any employee’s leave

NLAWFUL ACTS BY EMPLOYERS: FMLA/CFRA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA/CFRA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA/CFRA or for involvement in any proceeding under or relating to FMLA/CFRA.

REGULATIONS & ENFORCEMENT:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA/CFRA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family and medical leave rights.

FOR ADDITIONAL INFORMATION: Contact the Management Services Department/Employee Relations at (818) 238-5020, or the nearest office of the Wage and Hour Division listed in most telephone directories under U.S. Government, Department of Labor, Employment Standards Administration.